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6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
8 **WESTERN DIVISION**
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10 UNITED STATES,

11 Plaintiff,

12 v.
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14 JOSE MANUEL AGUIRRE,

15 Defendant.
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No. 90-CR-00766-AWT-1

**ORDER DENYING MOTION FOR
EXTENSION OF TIME TO FILE A
NOTICE OF APPEAL [20]**

18 Before the Court is Defendant Jose Manuel Aguirre's *pro se* motion for an
19 extension of time to file a notice of appeal. Dkt. No. 20. Aguirre seeks to appeal
20 this Court's order denying his petition for a writ of error coram nobis. Dkt. No. 18.

21 Under Federal Rule of Appellate Procedure 4(a), Aguirre was required to file
22 a notice of appeal within 30 days after the entry of the order appealed from. Fed.
23 R. App. P. 4(a)(1)(A); *see also* Fed. R. App. 4(a)(1)(C) ("An appeal from an order
24 granting or denying an application for a writ of error coram nobis is an appeal in a
25 civil case for purposes of Rule 4(a)."). The district court may extend the time to
26 file a notice of appeal only if the party seeks such extension "no later than 30 days
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1 after the time prescribed by . . . Rule 4(a) expires.” Fed. R. App. 4(a)(5). The
2 order denying coram nobis relief was issued on December 28, 2015. Thus, the
3 deadline to file a notice of appeal was January 27, 2016, and the deadline to seek
4 an extension of time to file such notice was February 26, 2016. Because Aguirre’s
5 motion to extend the time to appeal, filed March 16, 2016, is untimely by over two
6 weeks, the motion is DENIED.

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10 DATED: March 25, 2016

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14 A. Wallace Tashima
15 United States Circuit Judge
16 Sitting by Designation
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